

REMARKS

In the Office Action mailed December 28, 2004, Claims 1-53 were pending and Claims 27-53 were withdrawn from consideration. Of these, Claims 1-2, 5-7, and 10-16 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Billett and Claims 1-26 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Myoung. Each of these rejections will be addressed in turn below.

By the present amendment, Claims 1, 3, 19, 22, and 23 have been amended. Applicant submits that support for such amendments is found *inter alia* at page 14, lines 2-3 of the originally filed specification. Further, it should be understood that such amendment has been made solely for the purposes of expediting prosecution of the present application, and does not concede the correctness of the rejection. Applicant expressly reserves the right to pursue any canceled or relinquished subject matter in a future application. In view of the present amendment, Claims 1-26 remain pending for consideration in the present application. Reconsideration of all claims in light of the following remarks is respectfully requested.

Rejections Under 35 U.S.C. 102

Before discussing the rejection, it is thought proper to briefly state what is required to sustain such a rejection. A rejection under 35 U.S.C. 102 can only be sustained if the statutory anticipation requirements are met. In order to show anticipation of the claimed invention, the Examiner must establish the rejection is under a single prior art reference. Accordingly, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described." Verdegall Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Thus, if a single prior art reference does not

teach each and every element of a claimed invention, an anticipatory rejection cannot be established. The Applicant respectfully asserts that the cited references do not satisfy the requirements for establishing an anticipatory rejection against the presently claimed invention under any of the asserted prior art references.

Rejection Under 35 U.S.C. 102(b)

The Examiner has rejected Claims 1-2, 5-7, and 10-16 under 35 U.S.C. 102(b) as allegedly being anticipated by United States Patent No. 6,027,659 to Billett (hereinafter, "Billett"). Billett teaches an apparatus for conditioning traditional CMP polishing pads, where the traditional CMP polishing pads are used in conjunction with an abrasive slurry for chemical-mechanical polishing of integrated circuits and other semiconductor devices. (col. 1, ln. 13-23 and col. 3, ln. 7-20). The apparatus has a substrate with a conditioning surface and protrusions identified as conditioning points or integral points (col. 3, ln. 20-33).

Independent claims 1, 19, and 23 have been amended to further include the limitation that the projections have a "height of equal to or less than about 30 micrometers." This limitation is considered helpful in identifying at least one difference between the cited prior art teachings of conventional dressers. Specifically, the limitation that the small projections should have a size sufficient to condition a fixed abrasive pad without substantially damaging the pad is considered by the Applicant to distinguish the claimed invention from the cited prior art. The pad dressers of the prior art do not structurally meet this functional limitation since such prior art dressers would significantly damage fixed abrasive pads. However, the specific height limitation of the projections in the present invention is illustrative of the differences in dimensions and the unsuitability of each tool in these distinct processes.

Billett fails to teach or suggest that the dresser can have the claimed height limitations. As a result, the Billett reference does not disclose each and every element of any of Claims 1-2, 5-7, and 10-16, and therefore fails to anticipate them. Applicants therefore respectfully requests withdrawal that the rejection be withdrawn.

Rejection Under 35 U.S.C. 102(e)

The Examiner has also rejected claims 1-26 under 35 U.S.C. 102(e) as being allegedly anticipated by United States Patent No. 6,439,986 to Myoung et al. (hereinafter, "Myoung"). Myoung teaches an apparatus for conditioning the same type of traditional CMP polishing pad (abstract) as Billett.

Myoung also fails to teach or suggest the claimed limitation of "equal to or less than 30 micrometers" in height. In fact, a review of the Myoung reference shows that the only mention of height is 200 microns at col. 11, line 33. This dimension is dramatically larger than the claimed invention and would be entirely unsuitable for dressing fixed abrasive pads without severely damaging them. This is an additional illustration of the difference between the claimed invention drawn toward dressers of fixed abrasive pads versus dressers for non-fixed abrasive pads.

As a result, Myoung fails to disclose each and every element of the present Claims 1-26, and does not qualify as an anticipating reference. Applicant therefore respectfully requests that the rejection be withdrawn.

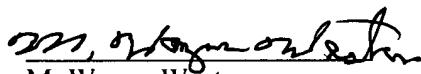
CONCLUSION

In view of the foregoing, the Applicant believes that Claims 1-26 present allowable subject matter and allowance thereof is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is strongly encouraged to telephone Mr. David Osborne at (801) 566-6633, so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 21st day of April, 2005.

Respectfully submitted,


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